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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JESSE DUHAMEL,

Case No. C20-337-RSM-BAT

11 Plaintiff,

ORDER ADOPTING REPORT AND
RECOMMENDATION

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendants.

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16 Having reviewed the Report and Recommendation of the Honorable Brian A.
17 Tsuchida, United States Magistrate Judge, Defendants' Objections, and the remaining record,
18 the Court agrees with Judge Tsuchida's findings that issues of fact preclude summary judgment
19 on Plaintiff's negligence claim and that Plaintiff has met the applicable proximate cause
20 standard to survive summary judgment. No party takes issue with the remainder of the Report
21 and Recommendation. Accordingly, the Court ORDERS as follows:

22 (1) The Court ADOPTS the Report and Recommendation (Dkt. #44).

23 (2) Plaintiff's Motion for Partial Summary Judgment (Dkt. 18) is DENIED; State
24 Defendants' Motion for Summary Judgment (Dkt. 24) is DENIED as to Plaintiff's
25 negligence claim and GRANTED as to Plaintiff's Section 1983, ADA and
26 Rehabilitation Act, and outrage claims.

(3) The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

DATED this 1st day of July, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE